

January 30, 2013

Chairman Bennett and Members of the House Natural Resource Committee:

We are writing to you as the managers and owners of three large Montana sawmills and one large particle board plant to urge you to table HJ8 in the House Natural Resources Committee this week. This non-binding resolution is inaccurate and irresponsible. It also stands in opposition to a bill that would create jobs at the businesses we operate.

Together, our facilities - Sun Mountain Lumber, RY Timber, Pyramid Mountain Lumber, and Roseburg Forest Products - directly employ 650 people in Deer Lodge, Townsend, Livingston, Seeley Lake, and Missoula. Each of our mills also supports several hundred loggers, drivers, and other wood products businesses. Altogether, well over one thousand individuals and their families depend on our mills for their livelihood.

We have worked together for nearly a decade to develop and advance the Forest Jobs and Recreation Act because it contains legislative provisions that will change the game for the wood products industry on federal lands. A congressional timber mandate has been on the industry's legislative wish list for more than a generation and when this forest jobs bill passes then the mandate moves off our wish list and into the law books. If our industry is to survive in Montana (and elsewhere) then a timber mandate must become a politically viable tool.

This forest jobs bill would also allow us to apply provisions from the Healthy Forest Restoration Act of 2003 to a wide range of projects on three National Forests in Montana. These provisions will do more to mitigate chronic litigation of timber projects than anything else currently on the table in Washington D.C.

In short, the Forest Jobs and Recreation Act will help us put logs on trucks and create jobs at our mills. We believe the legislation is critical to the future of our mills and our industry statewide.

We do expect your support for the work that we do every day to keep over a thousand Montanans employed and we would like to know how you intend to vote on this resolution as soon as possible. Please contact us using the information below.

Thank you for taking our request seriously.

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Roseburg Forest Products
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Senator Tester,

I am writing this letter regarding your hard work to establish feasible Wilderness legislation. First I would like to compliment you on your effort to hear all sides of this very critical issue. Your staff, under your direction, has done exemplary work.

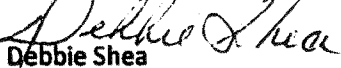
Secondly, I offer a voice of thanks to that hard working staff. I have met with Tracy Stone-Manning and Matt Jennings on a couple of occasions, most recently with Erik Nylund at the Butte office. Robin McCulloch from the Bureau of Mines and Geology brought current maps and we shared information. We very much valued that meeting.

A few weeks ago Mining Geologist Fess Foster and I met with Erik Nylund to clear up some misunderstanding and discuss further some concerns we have with the Tester Wilderness Bill. It was a very proactive meeting and I believe we came to appreciated one another's view point and direction more clearly.

In the Butte office Pam and Erik have been responsive to all interested parties and have given much of their time to listen and work with mining folks. We look forward to further interaction.

John I can imagine your frustration at times, as it is hard to please everyone (much like when we were in the Montana State Senate but on a grander scale). I just wanted to let you know how wonderful your staff is and that we very much appreciate you being open to everyone's participation.

Best wishes,



Debbie Shea

Executive Director

Montana Mining Association

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Executive Director - Debbie Shea

Changes Made to the Forest Jobs and Recreation Act

Senator Tester and his staff met with numerous groups about the Forest Jobs bill and solicited changes to make it better. Though not every change was able to be incorporated, many changes were made to the bill, including removing wilderness, adding accommodations for grazers and strengthening timber supply provisions. Some of the changes are listed below along with who asked for them.

Wilderness/Recreation Changes

- **Big Hole**
Reduced wilderness acreage by 49,459 acres
Created National Recreation Area
At request of/to benefit: Beaverhead County Commissioners, motorized users.
- **East Pioneers**
Reduced acreage by 14,000 acres, using Forest Service recommended boundary instead of partnership's boundary
Adjusted boundaries to put trails outside wilderness boundary
At request of: Montana Mining Association, Beaverhead County, Highlands Cycling Club, Benny Finnicum
- **West Pioneers**
Changed wilderness boundaries and reduced acreage by 8,394 acres
Created Recreation Management Area
At request of/to benefit: motorized users, Beaverhead County
- **Sapphires**
Moved trail number 313 outside wilderness boundary, keeping approximately 40 miles of trail open for bicyclists
At request of: Hamilton bike store owner, Montana Mountain Bike Alliance
- **Snowcrest Wilderness Area**
Added language to allow continued motorized access for ranchers to water infrastructure
To benefit: Snowcrest Grazing Association
- **Thunderbolt Protection Area**
Creates area to manage for snowmobiles in winter and bicycles in summer on the south side of Electric Peak
At suggestion of Montana Wilderness Association after their negotiations with bicyclists.

BLM Wilderness Study Areas (WSAs)

- Unlike the Partnership's plan, which only considered Forest Service lands, Sen. Tester's bill releases seven Bureau of Land Management Wilderness Study Areas to multiple use, while designating five BLM Wilderness Study Areas as wilderness.
The release of WSAs was made at the request of Madison County, Beaverhead County, Greater Yellowstone Coalition.

Include grazing in the findings section of the bill

- **The Issue:** Some in the ranching community feel this bill focuses too much on timber, recreation and wilderness, when grazing is an important use of federal lands.
- **The Change:** Sen. Tester will propose adding language to the Findings and Purposes section of the Forest Jobs and Recreation Act to convey that grazing is an important part of Montana's heritage and economy.
- **Where the idea came from:** An individual rancher in the Ruby valley and the Montana Stockgrowers Association.

Add language for grazing permits

- **The Issue:** Some have concerns about how grazing will be interpreted in wilderness areas.
- **The Change:** Sen. Tester will propose that the grazing provisions in his bill be inserted, verbatim, in future grazing permits for the new wilderness areas created by the *Forest Jobs and Recreation Act*.
- **Where the idea came from:** A rancher in a meeting with the Montana Stockgrowers Association.

Clarify snowmobiling language

- **The Issue:** Currently the language of the Forest Jobs and Recreation Act mistakenly limits snowmobiling in the recreation areas to "designated routes and trails," not general areas (snowmobiles often do not follow designated routes).
- **The Change:** Sen. Tester will propose to change the bill to be clear that the intent of the bill is to allow snowmobiling in the designated recreation areas where it occurs today: on routes, trails and areas.
- **Where the idea came from:** Dozens of snowmobile riders and Blue Ribbon Coalition, Snowmobile Alliance of Western States, Montana Trail Vehicle Riders Association and others.

Change the verb 'permit' to 'allow'

- **The Issue:** Some people interpret the word "permit" to mean that people will have to apply for a permit for the use in question, such as bicycling.
- **The Change:** In order to alleviate this fear, Sen. Tester will propose the word "permit" to be changed to 'allow' when defining permissible uses in the recreation areas.
- **Where the idea came from:** Beaverhead County Commissioner Mike McGinley.

Change the designation of the Highlands area

- **The Issue:** The Highlands area -- near Butte -- is currently used to train the military, which requires occasional helicopter landings. The area also has buried waterlines running through it and transmission towers in it. Additionally, there are two patented mining claims in the area.
- **The Change:** Sen. Tester will propose changing all or part of the Highlands land designation in his bill from wilderness to a Special Management Area. This will allow for primitive protection of the area but will leave flexibility for access to transmission towers, occasional landings for soldiers in training, for the community of Butte to maintain water pipes and possibly to protect existing mining claims.
- **Where the idea came from:** Sen. Tester suggested this change after hearing concerns from Wilderness Watch, the Forest Service, Butte-Silver Bow Public Works Dept, small mining companies and individual Montanans.

Public Listening Sessions:

- **Timber Listening Sessions Before Bill Introduction:**
 - Deer Lodge – roughly 40 participants, Feb. 18, 2009
 - Missoula – roughly 20 participants, Feb. 18, 2009
 - Townsend – roughly 45 participants, Apr. 9, 2009
 - Libby – roughly 45 participants, Apr. 18, 2009
- **Public Open Houses Since Introduction:**
 - Dillon – roughly 350 participants, Sept. 26, 2009
 - Bozeman – roughly 100 participants, Sept. 28, 2009
 - Troy – roughly 225 participants, Oct. 10, 2009
 - Missoula – roughly 200 participants, Oct. 26, 2009
 - Butte – roughly 75 participants, Nov. 12, 2009
 - Missoula – Feb. 5, 2010



YAAK VALLEY FOREST COUNCIL



MYTHS AND FACTS ABOUT THE FOREST JOBS AND RECREATION ACT

MYTH: The Forest Jobs and Recreation Act (FJRA) will harm mining by preventing important mineral development in wilderness.

FACTS:

1. The forest plans for the Beaverhead-Deerlodge, Lolo and Kootenai national forests examined all roadless areas for potential conflicts with mineral development. Through this process and others conducted over many years, the proposed wilderness areas in FJRA have been carefully screened to avoid areas with high mineral potential. This screening ensures that the proposed wilderness designations will not limit mineral development on priority sites.
2. The proposed wilderness was modified at the request of the Montana Mining Association (MMA) to exclude high value mineral sites. At the request of MMA, 14,000 acres of the East Pioneers proposed wilderness were dropped because of the potential for mineral development.
3. Section 204(a) of FJRA makes clear that the wilderness designations in FJRA are subject to valid existing rights, including mineral rights. This means that existing mining claims may be developed, even in designated wilderness.

MYTH: FJRA will harm grazing by reducing the amount of sheep and cattle that can graze in wilderness areas.

FACTS:

1. Section 4(d)(4)(2) of the Wilderness Act makes clear that “the grazing of livestock” where established prior to wilderness designation, “**shall** be permitted to continue,” subject to reasonable regulations. (emphasis added). This is a “shall” not a “may” and means grazing must continue in wilderness.
2. Section 204(i) of FJRA states that grazing “**shall**” be permitted to continue in wilderness, subject to reasonable regulations. Again, the continuance of grazing is mandatory, not discretionary.
3. Sections 204(i)(2) & 204(i)(3) of FJRA require the Forest Service and BLM to manage grazing in wilderness in accordance with the Congressional Grazing Guidelines, which state that “*There shall be no curtailments of grazing in wilderness areas simply because an area is or has been designated as wilderness.*” Wilderness simply cannot be used as a

reason to reduce or eliminate grazing.

4. There is no evidence that wilderness designation reduces grazing. The seminal study on wilderness and grazing (published in the Journal of Range Management) found that “In general, permitted AUMs *increased* on wilderness allotments but remained the same for nonwilderness allotments.” (emphasis added)

MYTH: FJRA will harm grazing by limiting grazing infrastructure that protects natural resources, especially in the Snowcrests.

FACTS:

1. The proposed Snowcrest Wilderness Area follows precisely the area recommended for wilderness by the Forest Service. The agency currently manages the area as wilderness.
2. Sections 204(i)(2) & 204(i)(3) of FJRA require the Forest Service and BLM to manage grazing in wilderness in accordance with the Congressional Grazing Guidelines, which state that “*The maintenance of supporting facilities, existing in an area prior to its classification as wilderness (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible in wilderness.*” The Guidelines further state that new facilities are permissible in wilderness where needed to protect natural resources.
3. Section 204(m) of FJRA specifically addresses grazing in the Snowcrest Wilderness Area and states that maintenance of the existing grazing facilities designed to protect the arctic grayling may continue, as may the use of motorized vehicles for sheep trailing across the range. This language was included in FJRA after conversations with the Ruby Valley Stock Association and others.

MYTH: If the Secure Rural Schools (SRS) legislation is not renewed, FJRA will cost counties revenue through diminished timber receipts.

FACTS:

1. Counties will face a revenue shortfall if SRS funding is not renewed *regardless of whether FJRA passes* because the amount of guaranteed funding counties receive is far higher than they would receive through a portion of timber receipts. This is a separate issue from FJRA.
2. FJRA would provide for higher and more consistent timber harvests than the USFS currently authorizes. This increase and consistency will lead to more jobs in the woods, a stronger tax base, and increased revenue for counties. Were SRS to disappear, counties would be better off with FJRA passing.

MYTH: FJRA will harm Montana’s economy which is dependent on resource extraction.

FACTS:

1. FJRA provides for increased forest restoration activities that will lead to significant increases in Montana forest jobs.
2. A huge component of the strength of Montana’s economy is its public lands—and the recreation opportunities they afford—and FJRA ensures that these lands and opportunities are preserved into the future. This will strengthen Montana’s economy.
3. According to Headwaters Economics, from 2000 to 2010, Montana’s economy created 73,732 new jobs, with 95% of this growth coming from service-related industries.
4. Protected public lands are a primary economic driver: western non-metropolitan counties that contain protected public lands have experienced economic growth at *four times the rate* of similar counties without protected public lands.

5. The Yale School of Forestry estimates that approximately 568 timber jobs will be stabilized and 216 new timber jobs will be created by FJRA with projects on just the Beaverhead- Deerlodge and Lolo National Forests.

MYTH: Mining, grazing, and county representatives were not asked their opinion on FJRA prior to the bill being introduced.

FACTS:

1. As described above, Senator Tester's staff met with representatives of the Montana Mining Association and Ruby Valley Stockgrowers Association, and Senator Tester made changes to the legislation prior to introduction based in input from these organizations.
2. Senator Tester also held numerous listening sessions throughout Montana, posted proposed bill language and maps on his website and asked for feedback, and had individual meeting with numerous organizations and individuals to address concerns and answer questions about the legislation.
3. As a result of these meetings and listening sessions, Senator Tester made numerous changes to the bill both before and after introduction. These changes include modifications to the forestry provisions, as well as wilderness and recreation area designations. Examples of changes include the Snowcrest grazing language and reduction in size of the East Pioneers proposed wilderness referenced above, as well as a provision for the permanent extension of the bill's forestry provisions and addition of "balance of harms" language to help mitigate the impacts of litigation and ensure certainty of the forest restoration.

MYTH: FJRA will harm recreation by reducing opportunities for motorized recreation.

FACTS:

1. The proposed wilderness areas in FJRA were carefully reviewed to ensure minimal impacts on motorized recreation. Many of the areas are already closed to motorized vehicles under agency rules.
2. Montana's public lands contain over 6,500 miles of roads and trails open to motorized vehicles that will not be affected by FJRA.
3. Section 207(a) of FJRA establishes eight separate Recreation Management Areas totaling 330,000 acres, which would permanently protect motor vehicle use for the first time in Montana history.
4. FJRA also releases the vast majority of the West Pioneers Wilderness Study Area, designated under the Montana Wilderness Study Act of 1977, from Wilderness Study Area status, replacing it with a Recreation Area designation that allows for motorized recreation in both summer and winter.
4. The Seeley Lake Driftriders, Ovando Snowmobile Club, Kootenai Ridge Riders, and Libby Sno-cats have endorsed the legislation's provisions on the Lolo and Kootenai National Forests.

MYTH: The Wilderness Act requires a complete mineral inventory of wilderness areas prior to designation.

FACTS:

1. Nothing in the Wilderness Act requires such an inventory, and no such inventory has ever been completed as a requirement of wilderness designation.
2. Section 4(d)(2) of the Wilderness Act permits mineral prospecting in wilderness areas “for the purposes of gathering information about mineral or other resources” if carried out in a manner compatible with the preservation of the wilderness environment.
3. Section 4(d)(3) of the Wilderness Act specifically addresses mineral leasing and claims and makes no mention of a required inventory prior to wilderness designation.

MYTH: FJRA will not help mitigate the impacts of litigation on timber projects.

FACTS:

1. Sections 103(d) and 104(a)(5) of FJRA apply the administrative review provisions of the Healthy Forest Restoration Act of 2003 (HFRA) to forest restoration projects carried out under FJRA. This will streamline environmental analyses by requiring the Forest Service to propose just one alternative (in addition to a no action alternative), which will save the Forest Service time and money, and provide an expedited administrative appeal process.
2. These provisions will prevent appeals that pertain to a specific part of a project from interrupting the entire project. If an appeal is filed and further environmental analysis is required, then only the part of the project that is relevant to the appeal will be stopped.
3. Additionally, if a project goes to court, the application of HFRA allows a judge to weigh the balance of harms by considering the impact of not advancing the project rather than narrowly considering just the impacts of advancing the project. The judge also must issue time limits on injunctions.

For more information, contact:

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Brian Sybert, Montana Wilderness Association, 406-443-7350 ext. 104

Bruce Farling, Trout Unlimited, 406-543-0054

Gordy Sanders, Pyramid Mountain Lumber, 406-677-2201 Ext. 27

Paul Spitler, The Wilderness Society, 406-586-1600x104.

SUPPORTERS OF THE FOREST JOBS AND RECREATION ACT -- Updated January 2013

The Montana Forests Coalition has been working together to ensure a healthy economic future for rural Montana, restore fish and wildlife habitat, and protect some of the state's most deserving wild places.

Sportsmen

Backcountry Hunters and Anglers
Big Blackfoot Chapter, Trout Unlimited
Big Sky Upland Bird Association
Bitter Root Chapter, Trout Unlimited
MT Backcountry Hunters and Anglers
Flathead Valley Chapter, Trout Unlimited
Hellgate Hunters and Anglers
Joe Brooks Chapter, Trout Unlimited
Kootenai Valley Trout Club
Lewis and Clark Chapter, Trout Unlimited
Madison Gallatin Chapter, Trout Unlimited
Madison River Foundation
Magic City Fly Fishers
Missouri River Fly Fishers
Montana Trout Unlimited
Montana Wildlife Federation
National Wildlife Federation
Trout Unlimited
Park County Rod and Gun Club
Pat Barnes-Missouri River Chapter, Trout Unlimited
Ravalli County Fish and Wildlife Association
Snowy Mountain Chapter, Trout Unlimited
Theodore Roosevelt Conservation Partnership
West Slope Chapter, Trout Unlimited

Timber

Pyramid Lumber
Rayson Logging
Roseburg Forest Products
RY Lumber
Sun Mountain Lumber
Chapel Cedar
Wayne Hirst, Hirst and Associates

Elected Officials

Anaconda-Deer Lodge County
Broadwater County
Granite County
Lewis and Clark County
Missoula County
Powell County
City of Missoula
Seeley Lake Community Council
City of Townsend
Max Baucus, United States Senator
Bob Brown, Former Montana Senate President

Susie Browning, Former Granite County Commissioner
Dave Lewis, Montana State Senator
Marc Racicot, Former Governor
Terry Schultz, Former Butte Silver Bow County Commissioner
Brian Schweitzer, Former Governor
Pat Williams, Former Congressman

Economic Development

Kalispell Chamber of Commerce
Missoula Area Economic Development Corp.
Missoula Area Chamber of Commerce
Montana Community Development Corporation
Powell County Chamber of Commerce
Townsend Area Chamber of Commerce

Labor

AFL-CIO Montana
Greater Yellowstone Central Labor Council
Missoula Central Labor Council
Montana Education Association -
Montana Federation of Teachers
Pulp and Paper Worker's Resource Council
Southwest Montana Building Trades Council
Southwest Montana Central Labor Council
United Brotherhood of Carpenters and Joiners of America Local Union #28
United Steelworkers

Recreation

Continental Divide Trail Alliance
Flathead Backcountry Horsemen
Highlands Cycling Club of Butte
Kootenai Ridge Riders
Libby Sno-cats
Montana Backcountry Horsemen

Conservation

American Rivers
Clark Fork Coalition
Clearwater Resource Council
Coalition to Protect the Rocky Mountain Front
Greater Yellowstone Coalition
Headwaters Montana
Montana Conservation Voters
Montana Wilderness Association
National Parks Conservation Association

Pintler Audubon
The Wilderness Society
Yaak Valley Forest Council

Outfitters and Guides

Blackfoot River Outfitters
Bob Marshall Wilderness Outfitters
Linehan Outfitting Company
The Missoulian Angler
Rich Ranch Outfitting

Small Businesses

Backcountry Racks and Skis
The Base Camp
Big Dipper Ice Cream
Blossom's Bed & Breakfast
Blue Ribbon Flies
Dunrovin Guest Ranch
Goldsmith's Bed and Breakfast
Great Divide Cyclery
Grizzly Hackle Fly Shop
Kingfisher Fly Shop
Molly Montana Real Estate
Mountain Homes, Inc
Park Avenue Bakery
pLAND Use Consulting
Rovero's Ace Hardware
The Runner's Edge
The Sports Exchange
Strongwater Paddle Sports
The Trail Head
Timber Trails
Watson & Associates
Wade Lake Resort

Media

Bozeman Chronicle
Helena Independent Record
Missoulian
Montana Standard

Other

Assoc. Students of the University of Montana
Blackfoot Community Project
Gallatin County Democratic Central Committee
Montana State University College Democrats
Port of Montana Butte
Seeley Rural Fire District
Three Rivers Challenge
Chris Naumann
Conrad Anker